

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GINA DIAKONOV,

Plaintiff,

Case No. 21-cv-11517
Hon. Matthew F. Leitman

v.

ROBERT C. MASI, D.D.S., P.C.,

Defendant.

/

**ORDER GRANTING PLAINTIFF LEAVE
TO FILE A FIRST AMENDED COMPLAINT**

On June 28, 2021, Plaintiff Gina Diakonov filed this employment discrimination action against her former employer, Robert C. Masi, D.D.S., P.C. (“Masi”). (*See* Compl., ECF No. 1.) Masi has now filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 6.) Masi argues, among other things, that Diakonov has failed to plead sufficient facts to state viable claims under the Supreme Court’s decisions in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). (*See id.*, PageID.38-39.)

Without expressing any view regarding the merits of the motion to dismiss, the Court will grant Diakonov the opportunity to file a First Amended Complaint in order to remedy the alleged deficiencies in her claims identified by Masi in the

motion to dismiss. The Court does not anticipate allowing Diakonov another opportunity to amend to add factual allegations that she could now include in her First Amended Complaint. Simply put, this is Diakonov's opportunity to allege any and all additional facts, currently known to her, that may cure the alleged deficiencies in her claims.

By **August 16, 2021**, Diakonov shall notify the Court and Masi in writing whether she will amend the Complaint or respond to the motion to dismiss. If Diakonov provides notice that she will be filing a First Amended Complaint, she shall file that amended pleading by no later than **August 30, 2021**. Upon the filing of a First Amended Complaint, the Court will terminate without prejudice Masi's currently pending motion to dismiss as moot.

If Diakonov provides notice that she will not be filing a First Amended Complaint, she shall file a response to Masi's motion to dismiss by no later than **August 30, 2021**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: August 2, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 2, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764